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s/ Rachel Potash
Rachel Potash

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
DONALD SKALITZKY, et al.

Serial No.: **10/783,654**

Confirmation No.: **7334**

Filed: **February 19, 2004**

For: **FUSED HETEROARYL CARBOXYLIC
ACIDS AS PPAR AGONISTS**

Group Art Unit: **Not Yet Assigned**

Examiner: **Not Yet Assigned**

Honorable Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith are the following documents:

- | | |
|--|----------------|
| 1. Information Disclosure Statement | 2 pages; |
| 2. PTO.SB/08A Form 1449 | 2 pages; |
| 3. Copies of Cited Art | 13 references; |
| 4. Copy of International Search Report | 18 pages; and |
| 5. Return Receipt Postcard | 1 postcard. |

Respectfully submitted,

Elsa Djuardi

Date: June 18, 2004

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TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

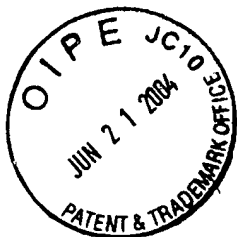
UNDER 37 C.F.R. § 1.97(b) or 1.97(c)

37 CFR § 1.97(b)

- ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d); within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; before the mailing of a first Office Action on the merits; or before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 CFR § 1.97(c)

- ☐ The Information Disclosure Statement submitted herewith is being filed after three months of the filing date of a national application other than a continued prosecution application under § 1.53(d); after three months of the date of entry of the national stage as set forth in § 1.491 in an international application; after the mailing of a first Office Action on the merits; or after the mailing of a first Office Action after the filing of a request for continued examination under § 1.114, but before the mailing date of (1) a Final Action under § 1.113; (2) a Notice of Allowance under § 1.311; or (3) an action that otherwise closes prosecution in the application. The Commissioner is hereby authorized to charge the fee as set forth in § 1.17(p) to Deposit Account Number 500329.



- ☒ Applicant requests that the Examiner consider the following copending applications:

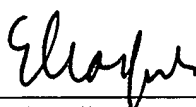
Application Serial No.	Filing Date
10/225,716 (Publication No. 2003-0171377 dated 09-11-2003 on Form 1449)	08-22-2002

- ☐ Copies of these copending applications are enclosed.
- ☒ Applicant hereby requests consideration of the Information Disclosure Statement, USPTO form 1449, submitted herewith. Copies of the cited references, except as noted below, are enclosed.
- ☐ This application is a continuation, divisional or continuation-in-part of Serial No. [REDACTED]. Copies of the cited references, if not enclosed, are available in the file of the parent application or parents thereof.
- ☒ This application was filed after June 30, 2003, or entered U.S. national stage under 35 U.S.C. § 371, after June 30, 2003. Copies of U.S. Patents and U.S. Patent Application Publications are not enclosed. (1276 OG 55).
- ☒ Applicant hereby requests consideration of the enclosed International Search Report, which was received in a related international patent application.

The Commissioner is hereby authorized to charge any fee deficiency, including any fee required under 37 C.F.R. § 1.17(p), or credit any overpayment, to Deposit Account Number 500329. A duplicate copy of this form is enclosed.

Respectfully submitted,

Date: June 18 '04



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Substitute for form 1449/PTO



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/783,654
Filing Date	02/19/2004
First Named Inventor	Donald Skaltitzky, et al.
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	PC25621A

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	Cite No. ¹	DOCUMENT NUMBER	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant FIGURES Appear
		Number-Kind Code ²			
	AA	5,420,289	05-30-1995	Musser, J., et al.	
	AB	5,693,651 (equivalent of WO96/12719 cited in ISR)	12-02-1997	Nomura, Y., et al.	
	AC	2003-0171377	09-11-2003	Bigge, C., et al.	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant FIGURES Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	AD	EP 1 236 719	11-29-2000	Kyoto Pharmaceutical Industries, Ltd.		
	AE	WO 02/102780	12-27-2002	Ono Pharmaceutical Co.		
	AF	WO 03/0 18553	03-06-2003	Warner-Lambert Company		

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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First Named Inventor	Donald Skalitzy, et al.
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	PC25621A

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AG	COUNCIL FOR INTERNATIONAL ORGANIZATIONS OF MEDICAL SCIENCES, <u>International Guiding Principles for Biomedical Research Involving Animals</u> , 1985, CIOMS, Switzerland.	
	AH	GEARING, et al., "Interaction of the Peroxisome-Proliferator-Activated Receptor and Retinoid X Receptor," <i>Proceedings of the National Academy of Sciences of the United States of America</i> , 1993, 1440-1444, Vol. 90, No. 4.	
	AI	GREENE, et al., <u>Protective Groups in Organic Synthesis</u> , 1991, John Wiley & Sons, New York.	
	AJ	HEYMAN, et al., "9-Cis Retinoic Acid is a High Affinity Ligand for the Retinoid X Receptor," <i>Cell</i> , 1992, 397-406, Vol. 68, No. 2.	
	AK	ISSEMAN, et al., "Activation of a Member of the Steroid Hormone Receptor Superfamily by Peroxisome Proliferators," <i>Nature</i> , 1990, 645-650, Vol. 347, No. 6294.	
	AL	KELLER, et al., "Fatty Acids and Retinoids Control Lipid Metabolism through Activation of Peroxisome Proliferator-Activated Receptor—Retinoid X Receptor Heterodimers," <i>Proceedings of the National Academy of Sciences of the United States of America</i> , 1993, 2160-2164, Vol. 90, No. 6.	
	AM	KLIEWER, et al., "Convergence of 9-cis Retinoic Acid and Peroxisome Proliferator Signalling Pathways through Heterodimer Formation of their Receptors," <i>Nature</i> , 1992, 771-774, Vol. 358, No. 6389.	
	AN	LEVIN, et al., "9-Cis Retinoic Acid Stereoisomer Binds and Activates the Nuclear Receptor RXR α ," <i>Nature</i> , 1992, 359-361, Vol. 355, No. 6358.	
	AO	MCOMIE, J. F. W., <u>Protective Groups in Organic Chemistry</u> , 1973, Plenum Press, New York.	
	AP	REDDY, et al., "Carcinogenesis by Hepatic Peroxisome Proliferators: Evaluation of the Risk of Hypolipidemic Drugs and Industrial Plasticizers to Humans," <i>Critical Reviews in Toxicology</i> , 1983, 1-58, Vol. 12, No. 1.	

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